

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  JAMES DRAPEAU,  Defendant.	3:22-CR-30062-RAL  OPINION AND ORDER ON MOTION TO SUPPRESS
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Defendant James Drapeau filed a motion, Doc. 47, seeking to suppress statements he made to a Bureau of Indian Affairs officer on May 24, 2022. Magistrate Judge Mark Moreno issued a report, Doc. 52, recommending that Drapeau's motion to suppress be granted in part and denied in part to the extent that Drapeau's statements after the time stamp on the video/audio recording of 15:05:27 should be suppressed as substantive evidence but not for impeachment purposes and otherwise be denied in all respects. The parties had fourteen calendar days after service of the report and recommendation to file objections.

This Court reviews a report and recommendation under the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in relevant part that "[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." "In the absence of an objection, the district court is not required 'to give any more consideration to the magistrate's report than the court considers

appropriate.”” United States v. Murillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Neither Drapeau nor the Government has objected to the report and recommendation, and as Judge Moreno noted in his report, the parties are in accord with the disposition of the suppression motion. Accordingly, it is hereby

ORDERED that the Report and Recommendation for Disposition of Motion to Suppress, Doc. 52, is adopted. It is further

ORDERED that Drapeau’s Motion to Suppress, Doc. 47, is granted in part and denied in part to the extent that Drapeau’s statements after the time stamp on the video/audio recording of 15:05:27 are suppressed as substantive evidence but not for impeachment purposes and the suppression motion is otherwise denied.

DATED this 30th day of March, 2023.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE  
CHIEF JUDGE